

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

PENNFIELD OIL COMPANY, d/b/a )  
Pennfield Animal Health, a )  
Nebraska corporation, )  
 )  
 Plaintiff, ) 8:09CV345  
 )  
 v. )  
 )  
 ALPHARMA, INC., a Delaware ) ORDER  
 corporation, )  
 )  
 Defendant. )  
 )  
 ALPHARMA, INC., a Delaware )  
 corporation, )  
 )  
 Counterclaim- )  
 Plaintiff, )  
 )  
 v. )  
 )  
 PENNFIELD OIL COMPANY, d/b/a )  
 Pennfield Animal Health, a )  
 Nebraska corporation, )  
 )  
 Counterclaim- )  
 Defendant. )  
 )

This matter is before the Court on Alpharma's Motion for Protective Order (Filing No. [170](#)). Alpharma seeks entry of a protective order "prohibiting Pennfield from directly accessing Alpharma's SalesLogix database" (Motion for Protective Order, Filing No. [170](#), at 1). In its brief opposing the motion, Pennfield states the Court should withhold ruling on the motion at this time because "discovery is still ongoing in this lawsuit" and "Pennfield has yet to depose the individual(s) most

knowledgeable of the [SalesLogix] database" (Pennfield's Brief Opposing Motion for Protection, Filing No. [196](#), at 6). The Court agrees that rendering a final decision on the motion is premature at this time. Therefore, the Court will deny the motion without prejudice.

After Pennfield has completed additional discovery regarding the SalesLogix database, it should be better able to evaluate whether any information Alpharma has withheld from the SalesLogix database is relevant and needed. See *In re Remington Arms Co.*, 952 F.2d 1029, 1032 (8th Cir. 1991). If Pennfield becomes satisfied that the non-disclosed information in the SalesLogix database is relevant and needed and if Alpharma continues to withhold the non-disclosed information, the Court will entertain a motion to compel or to protect at that time.

IT IS ORDERED that Alpharma's Motion for Protective Order is denied without prejudice.

DATED this 2nd day of December, 2010.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court